

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

RUBBY JAMES GRAY, and
PAUL BASHFORD

PLAINTIFFS

v.

3:11-cv-00061-JMM-JTK

JACK MCKANN, et al.

DEFENDANTS

ORDER

Plaintiffs Gray and Bashford are state inmates who filed a Complaint (Doc. No. 1) pursuant to 42 U.S.C. § 1983, without prepayment of the \$350.00 filing fee and costs, or Applications to Proceed In Forma Pauperis (IFP).

Under the Prison Litigation Reform Act of 1995 (“PLRA”), a prisoner who is permitted to file a civil action in forma pauperis still must pay the full statutory filing fee of \$350. 28 U.S.C. § 1915(b)(1). The only question is whether a prisoner will pay the entire filing fee at the initiation of the proceeding or in installments over a period of time. Ashley v. Dilworth, 147 F.3d 715, 716 (8th Cir. 1998). Even if a prisoner is without assets and unable to pay an initial filing fee, he will be allowed to proceed with his § 1983 claims and the filing fee will be collected by the Court in installments from the prisoner’s inmate trust account. 28 U.S.C. § 1915(b)(4). **If the prisoner’s case is subsequently dismissed for any reason, including a determination that it is frivolous, malicious, fails to state a claim, or seeks monetary relief against a defendant who is immune from such relief, the full amount of the \$350 filing fee will be collected and no portion of this filing fee will be refunded to the prisoner.**

The PLRA requires that Plaintiffs submit proper and complete Applications to Proceed In Forma Pauperis, along with calculation sheets prepared and signed by an

authorized officer of the detention center. Plaintiffs must submit, within thirty (30) days from entry of this Order, either: (1) the statutory filing fee of \$350; or (2) proper and complete Applications, **with the required calculation sheets signed by an authorized official of the detention center at which they are confined.** Accordingly,

IT IS THEREFORE ORDERED that Plaintiffs must submit either the \$350 statutory filing fee or In Forma Pauperis applications within 30 days of the entry date of this Order.¹

The Clerk is directed to send to the Plaintiffs In Forma Pauperis applications, together with the filing fee calculation sheets.

DATED this 11th day of April, 2011.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE

¹

The Plaintiff is hereby notified of his responsibility to comply with the Local Rules of the Court, including Rule 5.5(c)(2), which states: “. . . If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding pro se shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.”